

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Gwendolyn Calla Moore, derivatively on
behalf of SLEEP NUMBER
CORPORATION,

Plaintiff,

v.

JEAN-MICHEL VALETTE, SHELLY
IBACH, BARBARA MATAS, BRENDA
LAUDERBACK, DANIEL ALEGRE,
DEBORAH KILPATRICK, JULIE M.
HOWARD, KATHLEEN L.
NEDOROSTEK, MICHAEL
HARRISON, STEPHEN L. GULIS, JR.,
DAVID CALLEN, and KEVIN K.
BROWN,

Defendants,

SLEEP NUMBER CORPORATION,

Nominal Defendant.

CASE No. 0:22-cv-01292 DSD/DTS

**ORDER ON JOINT STIPULATION TO
STAY PROCEEDINGS**

Pursuant to the Joint Stipulation to Stay Proceedings filed by the parties to the above captioned action (the “Derivative Action”), and good cause appearing, IT IS HEREBY ORDERED THAT:

1. All proceedings and deadlines in the Derivative Action, including Defendants’ obligation to move, answer, or otherwise respond to the complaint and any discovery, shall be temporarily stayed pending (i) disposition of any motion to dismiss filed by defendants in the related securities class action captioned *Steamfitters Local 449 Pension & Retirement Security Funds, Individually and on Behalf of All Others Similarly*

Situated v. Sleep Number Corporation, et al, Case No. No. 21-2669 (PJS/BRT) (D. Minn.) (the “Securities Class Action”) or (ii) the filing of an answer by defendants in the Securities Class Action, whichever is earlier.

2. Defendants shall promptly notify Plaintiff should they become aware of any related derivative lawsuits (“Related Derivative Actions”).

3. Defendants shall promptly notify Plaintiffs if a Related Derivative Action is not stayed for a similar or longer duration than the stay of the Derivative Action.

4. If a Related Derivative Action, wherever instituted, is not stayed for the same or longer duration than the stay of the Derivative Action, Plaintiffs shall have the option to terminate the stay by giving thirty (30) days’ notice to counsel for Defendants via email.

5. During the pendency of the stay, if a mediation or formal settlement conference is held in an effort to settle the Securities Class Action or any Related Derivative Actions, undersigned counsel for Defendants shall via email provide Plaintiff with reasonable advance notice, and the Parties shall discuss in good faith whether Plaintiff should participate in such mediation or conference.

6. Notwithstanding this stay, Plaintiff may file an amended complaint once without leave of Court, although Defendants shall be under no obligation to respond to the amended complaint during the pendency of the stay, nor shall they be obligated to respond to a stipulation or motion to consolidate Related Derivative Actions, if any, and appointment of lead counsel. For the avoidance of doubt, to the extent Plaintiff chooses to amend her complaint during the pendency of the stay, any further amendments during or after the stay will require Defendants’ written consent or leave of Court.

7. Within fourteen (14) days of the date on which the stay is lifted, the parties shall meet and confer and submit a proposed scheduling order governing further proceedings in the Derivative Action..

Dated: September 13, 2022

s/David S. Doty
David S. Doty, Judge
United States District Court